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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

AARON DRAIN

Defendant.

CASE NO. 2:18-cr-00134-KJD-NJK

ORDER ON
STIPULATION TO CONTINUE
SENTENCING
(Third Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas Trutanich, United States Attorney, by and through Allison Reese, Assistant United States Attorney, counsel for the United States, and Defendant, Aaron Drain, by and through his attorney, Christopher R. Oram, Esq., that the Sentencing in the above-captioned matter, now scheduled for February 11, 2020, at the hour of 09:00 a.m., be vacated and continued to a date and time convenient to the Court, but no sooner than forty-five days.

This is the third request for a continuance of the Sentencing in this case.

This Stipulation is entered into for the following reasons:

1. Counsel for Mr. Drain requires additional time to prepare for the sentencing in this case as counsel is currently in the federal murder trial of USA v. Palafox, (Defendant Cesar Morales), 2:16-cr-00265, where eight defendants began trial on July 29, 2019. Closing arguments are currently scheduled to occur from February 3, 2020 through February 7, 2020, with the jury deliberating thereafter.

2. Mr. Drain is in custody and agrees with the continuance.

3. The additional time requested is made in good faith and not for purposes of delay.

4. The additional time requested is reasonable pursuant to FRCP 32(b)(2), which states
“the court may, for good cause, change any limits prescribed in this rule”.

/s/ Allison Reese 02/03/2020

ALLISON REESE DATE
Assistant United States Attorney

/s/ Christopher R. Oram 02/03/2020

CHRISTOPHER R. ORAM, ESQ. DATE
Counsel for Defendant Aaron Drain

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Based upon the pending Stipulation of the parties, and good cause appearing therefore,
the Court finds that:

1. The parties have stipulated to continue the sentencing hearing as presently scheduled.
2. This Court, being convinced that adequate showing has been made that were this request for continuance to be denied, counsel would not have the necessary time to attempt to prepare for this sentencing matter, based on the following:

A. Counsel for Mr. Drain requires additional time to prepare for the sentencing in this case as counsel is currently in the federal murder trial of USA v. Palafox, (Defendant Cesar Morales), 2:16-cr-00265, where eight defendants began trial on July 29, 2019. Closing arguments are currently scheduled to occur from February 3, 2020 through February 7, 2020, with the jury deliberating thereafter.

1 B. The additional time requested is made in good faith and not for purposes of
2 delay.

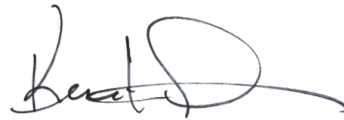
3 C. For all of the above-stated reasons, the ends of justice would best be served by
4 a continuance of the Sentencing date.

5 D. The additional time requested is reasonable pursuant to FRCP 32(b)(2), which
6 states "the court may, for good cause, change any limits prescribed in this rule".
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8 **ORDER**

9 IT IS HEREBY ORDERED that the Sentencing currently scheduled for February 11, 2020,
10 at 9:00 a.m., be vacated and continued to May 5, 2020, at the hour of 9:00 a.m. in courtroom 4A.

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12 DATED this 5th day of February, 2020.

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16 UNITED STATES DISTRICT JUDGE
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